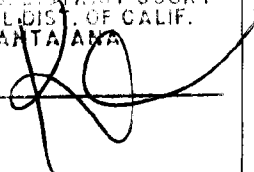


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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

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14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **SOUTHERN DIVISION**

17 JOSE L. ACOSTA, JR., ROBERT
18 RANDALL, and BERTRAM
19 ROBINSON, individually, and on
20 behalf of all others similarly
situated,

21 Plaintiffs,

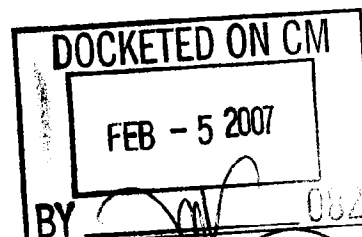
22 v.

23 TRANS UNION, LLC, *et al.*, and
24 DOES 1 to 10, inclusive,

25 Defendants.
26
27
28

Case No. SA CV 06-5060 DOC (MLGx)

**DECLARATION OF STUART T.
ROSSMAN IN SUPPORT OF
OPPOSITION TO PLAINTIFFS'
APPLICATION FOR PRELIMINARY
APPROVAL**



DECL. OF STUART T. ROSSMAN ISO OPP. TO
APPLICATION FOR PRELIMINARY APPROVAL

1 I, Stuart T. Rossman, declare and state:

2 1. I have personal knowledge of the matters set forth herein, and
3 could and would testify competently thereto if called upon to do so.

4 2. I am one of the attorneys working on behalf of the Class in the
5 White/Hernandez litigation, and a senior litigator at the National Consumer Law
6 Center. I submit this Declaration to confirm certain statements by Michael Caddell
7 in his Declaration in Support of Opposition to the Plaintiffs' Motion for An Order
8 Granting Preliminary Approval of Settlement.

9 3. I was present at and participated in the September 14, 2006
10 mediation with Justice Trotter. Early in this session, when meeting separately with
11 the members of the *White/Hernandez* team, Justice Trotter told us that he believed
12 counsel for TransUnion chose the *Acosta* lawyers to negotiate with for a national
13 class action settlement of the FCRA claims, because TransUnion's counsel thought
14 they "could get a better deal" from the *Acosta* counsel than from us.

15 4. Justice Trotter also told us that he had no opinion as to the
16 "fairness or adequacy" of the proposed TransUnion settlement agreement. Justice
17 Trotter reiterated that point ("I have no opinion as to the fairness or adequacy of the
18 settlement") with respect to what was by then a proposed TransUnion/Equifax
19 settlement in a telephone call on September 26 in which I participated with our co-
20 counsel, Michael Sobol and Michael Caddell.

21 5. During the mediation, the *White/Hernandez* team made an effort
22 to bring *Acosta* counsel into our team in order to attempt to obtain a better
23 settlement for the class. We did so despite misgivings about *Acosta* counsel based
24 on the inadequacy of the settlement they had agreed on. We offered to place Mr.
25 Sherman on our steering committee, and to allocate fees based on our respective
26 contributions to the class, with the *Acosta* team being credited for all of the time
27 and expenses incurred in their pursuit of the *Acosta* and *Pike* cases. The emphasis
28 of our proposal was that a better settlement could be obtained for the Class if


1 *Acosta* counsel would renounce their MOU and join forces with us to achieve the
2 best possible result.

3 6. At this mediation session, Justice Trotter read the September 11,
4 2006 Sherman declaration in our presence. This declaration contains the
5 representation that "Justice Trotter had suggested" a "procedural framework" which
6 was "adopted" by both the *Acosta* plaintiffs and TransUnion. Justice Trotter put it
7 down on the table and immediately commented: "This just isn't true." Justice
8 Trotter then advised the *White/Hernandez* counsel that the procedural mechanism
9 had been suggested by TransUnion's counsel.

10 7. On the October 3, 2006, I participated in a telephone
11 conversation with Justice Trotter, Michael Sobol, Michael Caddell, George Nino
12 and Mr. Sherman concerning the filing of Justice Trotter's declaration. In the
13 course of the conversation I recall Justice Trotter making the following statement to
14 Mr. Sherman upon learning that, to that date, his declaration had not been submitted
15 to the Court: "You haven't filed it yet? File it, Lee [Sherman]."

16 8. I declare under penalty of perjury under the laws of the State of
17 Massachusetts that the foregoing is true and correct.

18
19 DATED: January 18, 2007, at Boston, Mass.

20
21 
22 Stuart T. Rossman